IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No.2832 of 2005
Date of decision: February 22,2007

Krishan V. Gram Panchayat

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Rajesh Chaudhary, Advocate, for the appellant.

Viney Mittal,J.

This order shall dispose of two Regular Second Appeals being R.S.As. 2832 and 3162 of 2005 as both the appeals have arisen out of two separate suits filed by the two plaintiff-appellants with identical facts. For the sake of convenience, the facts are taken from R.S.A. No.2832 of 2005.

Plaintiff, Krishan, filed a suit for declaration under section 45 of Punjab Land Revenue Act for deleting the name of Gram Panchayat from Column No.4 of the Jamabandies and for inserting the name of the plaintiff. It was claimed by the plaintiff that he is owner in possession of agricultural land as a co-sharer being hissedar in shamlat deh. The plaintiff claimed that he had got the ownership and possession of the land in question in consolidation proceedings which had taken place prior to the year 1965 and had continued in possession thereof thereafter. According to the plaintiff, the revenue authorities committed error by incorporating the name of defendant-Gram Panchayat in Column No.4 in the jamabandies pertaining to the years 1965-66, 1970-71, 1985-86, and 1995-96 without any justification or right in the said property. The plaintiff alleged that the land in question was part of 1200 bighas of land which was owned as co-sharers by 218 persons and the entire land

had also been partitioned between the co-sharers. Consequently, the plaintiff claimed that he was owner in possession of the suit land and the revenue record was liable to be corrected.

The suit was contested by the defendant, Gram Panchayat. A challenge was made to the jurisdiction of the civil court. It was claimed that the shamlat land of the village had never been partitioned and the plaintiff had no right to claim the declaration sought by him.

The learned trial Court on the basis of the evidence available on the record came to the conclusion that the plaintiff, who claimed himself to be owner in possession of the suit land, and claimed that he had got the suit land in consolidation proceedings, had failed to adduce any documentary evidence which could reveal that the plaintiff had got the suit land in lieu of land measuring 25 bighas in the consolidation proceedings. It was also held by the trial court that the documents on the record reflected that the suit land was the part of the charand land which fell into the category of shamlat deh and as such vested in the Gram Panchayat. On the basis of the aforesaid fact, the trial court also held that the civil court has no jurisdiction to entertain the suit with regard to the declaration of the title claimed by the plaintiff on account of the bar contained in section 13 of the Punjab Village Common Land (Regulations) Act. Consequently, the suit filed by the plaintiff was dismissed.

The findings of the trial court were also affirmed by the learned appellate court in an appeal filed by the plaintiff. The appeal filed by the plaintiff was also dismissed by the first appellate court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeals.

Consequently, both the appeal are dismissed.

February 27,2007 (Viney Mittal)
sks Judge